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6 **UNITED STATES DISTRICT COURT,**
DISTRICT OF ARIZONA

7
8 Jimmy Ashing,) **Case No.:**
9 Plaintiff,)
10 v.) **COMPLAINT AND DEMAND FOR**
Ltd Financial Services,) **JURY TRIAL**
11)
12 Defendant.) **(Unlawful Debt Collection Practices)**
13

14 **PLAINTIFF'S COMPLAINT**

15 JIMMY ASHING (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges
16 the following against Ltd Financial Services (Defendant):

17 **INTRODUCTION**

- 18 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15*
19 *U.S.C. 1692 et seq.* (FDCPA).

20 **JURISDICTION AND VENUE**

- 21 2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
22 actions may be brought and heard before "any appropriate United States district court
23 without regard to the amount in controversy."
- 24 3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction
is established.
- 25 4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Payson, Arizona.
 6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
 7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
 8. Defendant is a collection agency with offices in Houston, Texas and conducts business in Arizona.
 9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged debt.
 11. For approximately eighteen months Defendant placed collection calls to Plaintiff approximately every other day.
 12. Plaintiff has repeatedly told defendant that he is unemployed and cannot repay the debt.
 13. For approximately four to five months Defendant threatened to file a wage garnishment against Plaintiff when he returns to work.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:

 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of this is to harass, abuse, and oppress the Plaintiff;
 - b. Defendant violated §1692e of the FDCPA by making false, deceptive, and

misleading representations in connection with the debt collection; and Defendant violated §1692e(4) of the FDCPA by representing or implying that nonpayment of the alleged debt would result in a wage garnishment against Plaintiff when such action was not lawful and Defendant never intended to take such action.

WHEREFORE, Plaintiff, JIMMY ASHING, respectfully requests judgment be entered against Defendant, LTD FINANCIAL SERVICES, for the following:

15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
 17. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, JIMMY ASHING, demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

DATED: June 16, 2011

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee
Attorney for Plaintiff

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3 **VERIFICATION OF COMPLAINT AND CERTIFICATION**

4 STATE OF ARIZONA

5 Plaintiff, JIMMY ASHING, states as follows:

- 6 1. I am the Plaintiff in this civil proceeding.
7 2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe
8 that all of the facts contained in it are true, to the best of my knowledge, information
9 and belief formed after reasonable inquiry.
10 3. I believe that this civil Complaint is well grounded in fact and warranted by existing
11 law or by a good faith argument for the extension, modification or reversal of existing
12 law.
13 4. I believe that this civil Complaint is not interposed for any improper purpose, such as
14 to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a
needless increase in the cost of litigation to any Defendant(s), named in the
Complaint.
15 5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
16 6. Each and every exhibit I have provided to my attorneys which has been attached to
this Complaint is a true and correct copy of the original.
17 7. Except for clearly indicated redactions made by my attorneys where appropriate, I
have not altered, changed, modified or fabricated these exhibits, except that some of
the attached exhibits may contain some of my own handwritten notations.

18 Pursuant to 28 U.S.C. § 1746(2), I, JIMMY ASHING, hereby declare (or certify,
19 verify or state) under penalty of perjury that the foregoing is true and correct.

20 DATE: 6/16/2011

21 
22 JIMMY ASHING

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